

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CURTIS SMITH Petitioner, v. JOHN KERESTES, et al. Respondents.	: : : : : : :	CIVIL ACTION No. 08-0061
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ORDER

AND NOW, this 16th day of June, 2009, upon consideration of the Petitioner's petition for writ of habeas corpus, the Respondents' Answer to the Petition, and the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski, the Petitioner's Objections thereto, the Respondents' objections thereto, IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DENIED and DISMISSED without an evidentiary hearing; and a certificate of appealability is GRANTED as to Petitioner's ineffective assistance of counsel claim under *United States v. Cronin*, 466 U.S. 648 (1984).

BY THE COURT:



BERLE M. SCHILLER, J.